1950

AN ACT TO AMEND THE CHARTER OF THE CITY OF ELGIN IN UNION COUNTY, STATE OF OREGON BY AN ACT OF THE LEGISLATIVE ASSEMBLY OF THE STATE OF OREGON ENTITLED: "AN ACT TO INCORPORATE THE TOWN OF ELGIN IN UNION COUNTY, STATE OF OREGON", FILED IN THE OFFICE OF THE SECRETARY OF STATE OF OREGON ON THE 18TH DAY OF FEBRUARY, 1891 AND ACTS SUPPLEMENTARY THERETO AND AMENDATORY THEREOF.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF ELGIN, UNION COUNTY, STATE OF OREGON:

THE PEOPLE OF THE CITY OF ELGIN DO ORDAIN AS FOLLOWS:

SECTION I.

That the Charter of the City of Elgin in Union County, State of Oregon, being an act of the legislative assembly of the State of Oregon entitled: "An act to Incorporate the Town of Elgin in Union County, State of Oregon" filed in the office of the Secretary of State of Oregon on the 18th day of February, 1891, and acts supplementary thereto and amendatory thereof, and the whole of the same, be and the same is hereby amended so as to read as follows:

CHAPTER I OF THE INCORPORATION AND BOUNDARY OF THE CITY.

Section 1. The inhabitants of the city of Elgin, Union County, Oregon, and their successors within the limits hereinafter prescribed are hereby created and established a body corporate by the name and style of the city of Elgin; and by that name shall have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended in all courts of justice, and in all actions, suits and proceedings whatever; to have a common seal and alter and break the same at pleasure; may purchase, hold and receive property, both real and personal, within said city for public buildings, public works and city improvements; may lease, sell or dispose of the same for the benefit of the city; may purchase, hold and receive property, both real and personal, beyond the limits of the city to be used for city parks; cemeteries for burial purposes; for the establishment of a hospital for the reception of persons afflicted with contagious or other diseases, for work houses, houses of correction, for powder houses, and for the erection of water works to supply the city with water, and ... control, lease, sell, or dispose of the same for the benefit ... city.

Section 2. The corporate limits of the town of Elgin shall be as follows:

Beginning at a point on the Grande Ronde River at low water mark 100 feet East from the Northeast corner of Hindman's Addition to Elgin, Union County, Oregon, thence West to the Northeast corner of the Northwest quarter of the Northwest quarter of Section 15, Township 1 North, Range 39 E.W.M., thence South 160 rods, thence West 160 rods, thence South 160 rods to the Southwest corner of said section 15, thence East along the section line between Sections 15 and 22, Township 1 North, Range 39 E.W.M., to the East boundary line of the right of way of the Oregon-Washington Railroad & Navigation Company, thence in a Southwesterly direction along the east boundary line of said right of way 1025 feet, thence in a Northeasterly direction 1820.5 feet to the West boundary line of Oregon State Highway No. 82, at a point 300 feet South of said section line, thence North 300 feet to said section line, thence East to the Grande Ronde River at low water mark, thence Northerly along the West bank of said river at low water mark to the place of beginning.

Section 3. The boundaries of the city of Elgin now or hereafter existing may be altered and contiguous new territory included therein after proceedings had in accordance with the provisions of the laws of the State of Oregon in force at the time of any such annexation.

CHAPTER II OF THE GOVERNMENT OF THE CITY

Section 1. The power and authority given to the municipal corporation of the city of Elgin by this charter is fixed in and shall be exercised by a council composed of six (6) members and their successors in office who shall be elected at large by the qualified voters of the city of Elgin.

Section 2. The council shall appoint at its first annual meeting in January of each year and keep in office a city manager, a recorder, a municipal judge, a treasurer and a city attorney. The council by resolution may require any officer to perform the duty of

two or more offices without additional compensation. The city manager shall appoint all other officers and employes deemed necessary in the government and management of the city of Elgin, including chief of police, chief of fire department, chief of water system and city health officer and others. The tenure of such officers and employes appointed by the city manager shall be at the pleasure of the city manager and may be removed by him with or without cause, and the city council may remove any officer or employe appointed by said council or by the city manager at any time with or without cause.

CHAPTER III OF ELECTION

Section 1. Regular city elections shall be held at the same time and place as regular state elections in accordance with the general state election laws applicable thereto. The election officers and precincts for such election shall be the same as for regular state elections. No person shall vote at any city election unless he is a qualified elector of the state and resident of the city at least thirty (30) days last preceding the election and has duly registered to vote in said city.

Section 2. The city recorder, under the direction of the council, should give at least ten (10) days notice of general elections by posting notices thereof in five (5) public places. Such notice shall list the officers to be elected, the ballot title of each measure to be voted upon and the time and place of the election.

Section 3. Nominations. Candidates for offices to be filled at a general municipal election shall be nominated in accordance with the general election laws then in force in the state, or any amendments thereof, except as this charter otherwise provides. Certificates of nomination made by individual electors shall be signed by not less than five (5) percent of the total number of electors voting in the last preceding city election and shall be filed with the city recorder not less than thirty-one (31) days before the day fixed by law for the election.

Section 4. Ballots. All official ballots used at any election shall be identical in form and of white paper. The names

of candidates shall be arranged on the ballot in the order in which nominations were filed. Nothing on the ballot shall be indicative of the sources of the candidacy or of the support of any candidate, except that twelve (12) words indicating a candidate's views on strictly municipal questions or issues may follow each name. Space may be provided for charter amendments, ordinances or other questions submitted for vote at any election.

Section 5. Commencement of Terms of Office. The term of office of a person elected to office at a regular city election shall commence on the first day of January immediately following the election. In case of an election or appointment to fill an existing vacancy in office the person selected shall enter upon his office immediately.

Section 6. In all elections held in conjunction with state and county elections the state laws govern the filing of returns by the county clerk and the canvassing of those returns shall apply.

Section 7. Regulations of elections. Except as herein otherwise provided and as otherwise provided by ordinance regulating the holding and conducting of elections, the general laws of Oregon shall apply to the conduct of all elections, recounts and contests thereof.

Section 8. Oath of Office. Every person elected or appointed to office under this charter, before entering upon the discharge of his duties as such officer, shall qualify by taking and filing with the said recorder an oath of office in the following form:

"I, _ _ _ _ _ _ _ _, do solemnly swear that I will support the Constitution of the United States and of the State of Oregon, and that I will to the best of my ability faithfully perform the duties of the office of _ _ _ _ _ _ _ _ of the City of Elgin, during my incumbency thereof".

And he shall execute and deliver to the recorder of the city of Elgin, whenever required by ordinance or resolution, a bond conditioned as may be required by this charter, or the council, and in such sum as they may require for the faithful performance of the duties of his office, with good and sufficient surety or sureties to

be approved by the council. A bond given with a competent surety company may be accepted.

Section 9. Special elections. Special elections may be called by the city council to be held at such times and for such purposes as they shall designate. The city council shall appoint the same number of judges and clerks for such special elections as are appointed by the county court for general state elections. The city council may also make rules and regulations governing such elections; otherwise such elections shall be held in accordance with the provisions of this charter and the general election laws of the state of Oregon. On the day following each special city election the election returns shall be filed with the city recorder and not later than five (5) days after such special election the city council shall meet, canvass the returns and record the results of such election in the minutes of the city council.

Section 10. Immediately after the canvass of the returns of any election the city recorder shall make and sign a certificate of election of each person elected and deliver such certificate to him; such certificate so made and delivered shall be prima facie evidence of the facts which it states; but the council shall be the final judge of the qualifications and election of its own members.

CHAPTER IV OF THE COUNCIL

Section 1. Term of Office. The term of office of each councilman shall begin on the first day of January following his election and continue for two (2) years and until a successor is elected and qualified.

Section 2. Council Meetings. The council shall hold an annual meeting on the second (2nd) day of January of each year, unless a legal holiday then the next day. The council shall provide by resolution for the time and place of its regular meetings, which regular meetings shall not be less than one (1) each month; and shall adopt rules and regulations for the government of its members and proceedings. At its annual meeting of each year the council shall elect one of its members as Mayor of the city of Elgin. Special

meetings of the council may be called by the Mayor either upon his own motion or upon the request of two members of the council.

Section 3. Quorum. Four (4) members of the council shall constitute a quorum to do business. The Mayor shall be deemed a councilman for the purpose of constituting a quorum. The council shall keep minutes of its proceedings and on the call of one (1) member shall cause the ayes and nays to be taken and entered in the journal upon any question before it except the motion to adjourn. The proceedings of the council shall be public.

Except as this charter otherwise provides, the concurrence of a majority of the council present shall be required to determine any matter before the council.

Section 4. The Mayor shall preside over all the deliberations of the council; he shall have authority to preserve order, enforce the rules of the council, and determine the order of business in accordance with the provisions of this charter and the rules adopted by the council. In the absence of the Mayor the council may elect a chairman to preside who, for the time being, shall have the authority of the Mayor.

CHAPTER V ON VACANCIES

Section 1. An office shall be deemed vacant upon the death or resignation of the incumbent or when he shall absent himself from the city without the consent of the council for the period of thirty (30) days. And the office of councilman shall be deemed vacant when he shall cease to be a resident of the city, or shall fail to attend four consecutive regular meetings of the council, unless absent upon leave of the council first obtained.

Section 2. In case of a vacancy occurring in any of the elective offices provided for under this act, the city council shall fill such vacancy until the next regular election and until a successor shall be elected and qualified. All persons appointed under this provision shall qualify in like manner as other officers.

CHAPTER VI OF POWERS AND DUTIES OF CITY OFFICERS

Section 1. Mayor. The Mayor shall be deemed a member of

the council, and shall have the same right as other council members to vote on matters coming before that body. He shall appoint the various committees provided for under the rules of the council or otherwise and shall fill all vacancies in committees of the council from that body. He shall sign all ordinances and written resolutions and orders approved by the council, and countersign all orders on the city Treasurer. He shall have no veto power. He shall sign all ordinances passed by the council within three (3) days after their passage. He shall sign all instruments and writings authorized by this charter, the laws of the state, or the council.

Section 2. City Manager.

(a) Qualifications. The city manager shall be the administrative head of the city government. He shall be chosen by the council without regard to political consideration and solely with reference to his executive and administrative qualifications. He need not be a resident of the state at the time of his appointment, but promptly thereafter he shall become and during his incumbency remain a resident of the city. Before entering upon his duties the Manager shall file with the Recorder an official bond for the faithful performance thereof, payable to the city in the sum of $5,000, the premium of which shall be paid by the city. The bond shall be to the satisfaction of the council.

(b) Powers and Duties. The powers and duties of the city Manager will be as follows:

(1) He shall devote his entire time to the discharge of his official duties and shall attend all meetings of the council, unless excused therefrom by the Mayor, and keep the council advised at all times of the affairs and needs of the city and shall make annual reports, or more frequent ones if requested by the council, of all the affairs and departments thereof.

(2) He shall see that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits, and privileges granted by the city are fully observed.

(3) He shall appoint all city officers and em-

ployes except such officers as are appointed by the city council under the provisions of this charter. He shall remove any officers or employes so appointed by him at pleasure, and have general supervision and control over them and their work,with power to transfer an employee from one department to another, and shall exercise supervision and control over the departments to the end of obtaining the utmost efficiency in each of said departments. He shall have no control, however, over the council or of any officers appointed by the council.

(4) He shall act as purchasing agent for all departments of the city. All purchases shall be made by requisitions signed by the Manager, subject to the provisions of this charter and ordinances and resolutions of the city.

(5) He shall be responsible for the preparation and submission to the budget committee of the general budget estimate and such reports as may be required by that body.

(6) He shall have control, subject to such ordinances as may from time to time be adopted, of all public utilities owned and operated by the city; and shall have general supervision over all city property.

(7) He shall perform such other duties as may be required by this charter or as the council may require of him.

(c) Seats at Council Meetings. The manager and such other officers of the city as may be designated by vote of the council shall be entitled to seats with the council, but shall have no vote therein. The manager shall have the right to take part in the discussion of all matters coming before the council.

(d) Manager Pro Tem. In case of the absence of the manager from the city, or his temporary disability to act as manager, of his resignation as manager, or of discharge of him by the council, the council shall appoint a manager pro tem who shall possess the powers and discharge the duties of the manager during such absence or disability only; provided, however, that a manager pro tem shall have no authority to appoint or remove any city officer or employee except

with the approval of the Mayor. No manager pro tem shall hold his position for more than four months. No appointment of a manager pro tem shall be renewed.

(e) Interference in Administration. No member of the council shall in any manner, directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the manager in the making of any appointment or removal of any officer, or the purchase of supplies, or attempt to exact any promise relative to any appointment from any candidate for manager, or discuss, directly or indirectly, with any such candidate, the matter of appointments to any city office or employment. Any violation of the foregoing provisions of this section shall work a forfeiture of the office of the offending member of the council, provided, however, that nothing herein contained shall be construed as prohibiting the council, while in open session, from discussing with or suggesting to the manager, fully and freely, anything pertaining to city affairs and for the best interests of the city. Neither the manager nor any person in the employ of the city shall take any part in securing, or contribute any money toward, the nomination or election of any candidate for a municipal office.

(f) Ineligible Persons. No person related to the manager by consanguinity or affinity within the third degree shall hold any appointive office with the city.

Section 3. Municipal Judge.

1. The municipal judge shall be the judicial officer of the city. He shall hold within the city a court known as the municipal court for the City of Elgin, Union County, Oregon. Except on non-judicial days, the court shall be open for the transaction of judicial business, as prescribed by the laws of the state. The territorial jurisdiction of the court shall be the city. The municipal judge shall exercise original and exclusive jurisdiction of all violations and offenses defined and made punishable by any ordinance of the city, and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by an ordinance of the city.

justice of the peace in all civil and criminal matters within Union County and in all matters and proceedings whether civil or criminal he shall be governed by the laws of the State of Oregon relating to justices of the peace. The municipal judge shall have authority to issue process for the arrest of persons accused of an offense against the ordinances of the city, to commit such persons to jail or admit them to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify before him on the trial of any cause before him, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the municipal court, and to punish witnesses and others for contempt of the court. When not governed by ordinances or this charter, all proceedings in the municipal court for the violation of a city ordinance or state laws, including appeals from the municipal court, shall be governed by the applicable general laws of the state governing justices of the peace and justice courts. Trials in the municipal court of cases of violation of city ordinances shall be had without a jury.

2. Fines and Penalties. All fines imposed by said municipal judge and all penalties recovered before him for a violation of a city ordinance, shall when received or collected, be forthwith paid by the city recorder to the city treasurer, who shall give him a receipt therefor, which shall be filed in the recorder's office.

Section 4. City Recorder.

1. The city recorder shall serve as a clerk of the council; keep an accurate record of its proceedings in a book provided for that purpose; sign all orders on the city treasurer; and countersign all instruments and writings authorized by this charter, the state constitution or laws, or the council.

2. He shall collect and receipt for all money due or payable to the city and pay the same to the city treasurer, taking his receipt therefor and make a monthly statement to the council of all moneys received or collected, licenses issued and warrants drawn.

3. All demands and accounts against the city shall be presented to

the recorder on or before the first day of each month with the necessary evidence in support thereof, who shall refer them to the general manager for his approval or disapproval, and thereafter he shall refer them to the council, together with any suggestions or explanation which he may deem proper and pertinent. Provided that no claim shall be allowed or paid or warrant drawn therefor that is not for a corporate purpose. All accounts shall be balanced at the end of each month.

4. When required by resolution of the city council the recorder shall perform all of the duties of the municipal judge.

5. The recorder before entering upon his duties shall file with the Mayor an official bond satisfactory to the council for the faithful performance of his duties, payable to the city in the sum of $5,000, premium of which shall be paid by the city.

Section 5. City Treasurer. It shall be the duty of the city treasurer to receive and receipt for all moneys from the city recorder and to keep an account of each fund separately; to pay out the same on orders signed by the city manager and countersigned by the Mayor; and to make out and present to the city council quarterly statements of receipts and expenditures during the preceding three (3) months with the balances remaining in each fund; and at the end of his term of office make a full settlement with the city council and pay over to his successor in office all said moneys and other properties in his hands at such time. All moneys received by said treasurer shall be deposited in the name of the city of Elgin in a bank approved by the city council.

Before entering upon his duties the city treasurer shall file with the city recorder an official bond for the faithful performance of his duties and the full accounting for any and all money and property belonging to the city, which bond shall be payable to the city of Elgin in the sum of $5,000, the premium of which shall be paid by the city.

Section 6. City Attorney. It shall be the duty of the city attorney to act as legal adviser for the city and perform such duties of a legal nature as may be required of him by the city council.

CHAPTER VII

Section 1. Enacting Clause. The enacting clause of all ordinances hereafter passed shall be:

THE PEOPLE OF THE CITY OF ELGIN DO ORDAIN AS FOLLOWS

Section 2. Introduction, Reading and Passage. Every ordinance shall be fully and distinctly read in open council meeting on two different days previous to being put upon its final passage, but any ordinance may be introduced, read twice, once in full and once by title, and put on its final passage at a single meeting by a unanimous vote of all members of the council present at the meeting. Upon the final vote the "yeas" and "nays" of the members of the council shall be taken and recorded in the journal. If the ordinance passes, the recorder shall endorse it, with the date of its passage and his name and title of office, and within three days thereafter the Mayor shall sign it with the date, his name, and the title of his office.

Section 3. When Ordinances Take Effect. All ordinances shall be in force and effect from and after thirty (30) days after its passage. When the council deems it expedient, however, an ordinance may provide a later time when it shall take effect, and, in case of an emergency, an ordinance may take effect immediately. All emergency ordinances shall be enacted in accordance with state laws.

CHAPTER VIII OF THE POWERS OF THE COUNCIL.

Section 1. Council has power and authority within the corporate limits of the city of Elgin:

1. To adopt rules for the government of its members; to punish any member for disorderly or improper conduct at any meetings or for refusing or neglecting to attend any regular meetings without sufficient excuse therefor, and by two-thirds (2/3) vote to expel a member.

2. To make by-laws and ordinances, not repugnant to the laws of this state or to the laws of the United States.

3. To assess, levy and collect taxes for general and special municipal purposes, not to exceed ten mills on the dollar, upon all property which is taxable by law for county and state purposes.

4. To construct or purchase, keep, conduct and maintain a system of waterworks of a character and capacity sufficient to furnish the city and the inhabitants thereof with an abundance of good, pure and wholesome water for all uses and purposes necessary for the comfort, convenience and well-being of the same, and to that end may acquire by purchase or otherwise and own and possess such real and personal property within and without the limits of the city as may be necessary and convenient.

5. To make regulations to prevent the introduction of contagious diseases in the city, or remove persons affected with such disease therefrom to a suitable hospital provided by the city for that purpose.

6. To prevent and punish trespass upon real or personal property.

7. To provide for lighting the city streets and furnishing the city with gas or other light, and to provide waterworks and water for protection against fire, and for other purposes.

8. To provide for the support, restraint, punishment and employment of vagrants and paupers.

9. To provide for the employment of city prisoners.

10. To prevent and remove nuisances, and to declare by ordinances what constitutes the same, and to make the expenses of abating a nuisance a lien upon the property where such nuisance exists.

11. To provide for the prevention and extinguishment of fire, and for the preservation of property endangered thereby, and for the appointment of officers required for such purposes, and to prohibit the erection or repair of wooden buildings within fixed limits; to provide for and determine the number and size of places of entrance and exit from all public halls, churches and all other buildings used for public gatherings. To provide for the prevention and removal of all obstructions from the streets, cross and sidewalks, and for the cleaning of the same.

12. To license, tax and regulate junk dealers and dealers in second-hand

merchandise.

13. To regulate the storage and sale of gunpowder, dynamite, nitroglycerine or other combustible material, and to prevent by all possible and proper means, danger or risk of injury or damage by fire arising from carelessness, negligence or otherwise.

14. To restrain and punish intoxication, fighting and quarreling and any disturbance or any unlawful or indecent practices, and to define what shall constitute the same.

15. To regulate and prohibit the use of firearms, firecrackers, bombs and detonating stores of all descriptions.

16. To purchase, take and hold real estate when sold for city taxes or any improvement ordered by the council, and to sell and dispose of the same.

17. To control and regulate slaughter houses and provide for their exclusion from the city limits.

18. To license and regulate washhouses and public laundries.

19. To prevent any and all domestic animals from running at large within the city limits or any portion thereof.

20. To prevent, restrain, punish and disperse any riot or riotous assemblage or any person taking a part therein.

21. To establish and regulate the fees and compensation of all officers of this municipal corporation; provided, that the mayor and councilmen shall receive no compensation for their services.

22. To provide for the punishment of a violation of any ordinance of the city by fine or imprisonment not exceeding one hundred dollars or twenty days in the city jail, or by both such fine and imprisonment; and for working any person sentenced to such imprisonment upon the streets, public squares or other places during the term thereof, and to provide for the punishment of any person sentenced to such imprisonment who shall refuse to work when ordered.

23. To license, tax and regulate auctioneers, ordinaries, taverns, hawkers, peddlers, pawnbrokers and money changers, and to define what shall constitute the same, and regulate and restrain all offensive trades and occupations.

24. To license, tax and regulate and restrain barrooms, drinking

shops, theatrical and other shows and exhibitions, public amusements, billiard tables or any tables where balls and cues are used, punch boards, vending machines, shooting galleries and bowling alleys, and to suppress bawdy houses, gaming and gambling houses, and to punish inmates of gambling houses and bawdy houses or houses of ill fame; provided, that no law or part thereof authorizing any tribunal or officer of Union County to grant tavern or grocery license shall apply to persons vending liquors within the city of Elgin; and provided, further, that no person shall be required to pay any greater amount of money for a license for the privilege for keeping a barroom, grocery, tippling house or tavern than is required to be paid by the general laws of the state for like privileges in any county or precinct outside of said corporation.

25. To establish and regulate the grades of streets and to define and fix the boundaries of streets with proper monuments, and that each lot or part thereof within the limits of the streets where a sidewalk is to be built or improved or repaired shall be liable for the full cost of making, improving or repairing the same in front of or abutting upon it, and also shall be liable for the costs, in whole or in part, as the council may determine, of making the proposed improvement upon the balance of the half street in front, and also for a proportionate share of one-half the costs of improving the intersection of two of the streets bounding the block in which each lot or part thereof is situated.

26. The costs, in whole or in part, as the council may determine, or improving such intersection is to be assessed upon the lots or part thereof situated in the quarter of the four blocks and adjoining such intersection, but only upon the lots or parts thereof within the quarters nearest thereto and in proportion to the cash value of such lot or part thereof, irrespective of the improvements thereon.

27. To appropriate money for any item of city expenditure, and to provide for the payment of the debts and expenses of the city.

28. To provide for the collection and disbursing of all moneys to which the city is or may become entitled by law or which may be assessed or authorized to be collected for city purposes within said city; and the city council is hereby authorized and empowered to enforce the collection

of any general or special tax levied in pursuance of this act and may authorize the issuance of warrants and levy upon both real and personal property, whether the same be exempt from execution under the laws of this state or not, of delinquent taxpayers within the city and cause the same to be sold under such rules and regulations as the city council shall establish to satisfy such warrants and fees of officers and other expenses attending such levy and sale.

29. To lay out and establish, vacate, widen and extend and open streets or parts of streets and alleys or parts of alleys in the said city, and to appropriate private property for that purpose; the power hereby granted shall be executed under such rules and regulations as the city council shall by ordinance establish, not in conflict with the laws of this state and of the United States.

30. To establish fire companies, appoint fire wardens and prescribe their duties.

31. To choose and employ a city attorney, city surveyor and such night and day policemen as may be necessary.

32. To borrow money on the faith and credit of the city of Elgin, or loan the credit thereof, or both, for municipal purposes; provided, that the indebtedness of the city shall never exceed the sum of twenty thousand dollars.

33. To license, tax and regulate hacks, cabs, hackneys, carriages, wagons, carts, drays, taxis or other vehicles, whenever the same are used for hire.

34. To suppress and prohibit the keeping of any place, house or room, where either males or females, adults or minors, are permitted to indulge in the habit of smoking opium, and to provide by ordinance for the summary closing of the same, and for the punishment of the keepers thereof and all persons found therein.

35. To prevent and punish persons riding or driving at a fast or furious rate through the streets, or operating any automobile or truck at a rate of speed greater than as prescribed by the laws of the State of Oregon.

36. To tax, regulate or prohibit dogs from running at large within the city limits.

37. To prohibit officers of the city purchasing demands against the

city or orders drawn on the treasury thereof for a less amount than that expressed on the face of such demands or order.

38. To execute such powers and authority as may be given to the council elsewhere in this act.

39. To provide for the issuance of coupon bonds of the city for any specific purpose or for any proposed public improvement or for funding or refunding any outstanding indebtedness of the city; to designate the manner and time for the payment thereof and the interest thereon. Whenever the city of Elgin shall contemplate the issuance and disposal of coupon bonds for any public purpose or for any public improvement except for public improvements where the cost thereof is to be assessed to the property specially benefited, or for funding or refunding any outstanding indebtedness of the city under this charter, the council shall by resolution direct a budget committee to make an estimate, in writing, of the amount of money required for which coupon bonds are to be issued, and such estimate shall be filed with the city recorder. Thereupon the city council by resolution shall fix a time and place for public hearing before the city council in session on the said estimate, which time shall be not less than ten (10) days and not more than twenty (20) days from the date of said resolution; and shall cause a notice of said public hearing setting forth a copy of said estimate to be published not less than once in a newspaper of general circulation, printed and published in the city of Elgin, or, in case no such newspaper be so printed and published, then by posting said notice in not less than five (5) public places in said city.

At said public hearing the city council shall hear and determine all written objections to such bond issue filed with the city recorder, and by resolution shall fix and determine the amount of such bond issue, either in the amount of said estimate or at a sum more or less than said estimate. The city council shall by ordinance adopt said sum so determined by said council at said public hearing as the total sum for which bonds of said city are to be issued, and fix the rate of interest not exceeding five per cent (5%) per annum, payable semi-annually, prescribing the terms and the form of the bonds to be issued, as well as the coupons to

be attached thereto, and call a special election to be held not less than thirty (30) days nor more than fifty (50) days from the date of said ordinance, at which special election the question of the creation of such indebtedness by the issue of coupon bonds of the city shall be submitted to a vote of the electors of the city. Such election shall be called and held under the same procedure as nearly as may be as in the case of general state and municipal elections.

The ballot used at such election shall have printed thereon the question submitted, including the amount of the proposed bonds to be issued and the words: "Bonds - Yes" or "Bonds - No", and each person voting shall make a cross opposite the words "Bonds - Yes" or "Bonds - No" as he favors or opposes the issuance of bonds.

If at such election the majority of the legal votes cast shall be in favor of incurring the indebtedness and issuing such bonds, then such indebtedness to the amount authorized by the voters, or so much thereof as may be necessary, may be incurred by the city of Elgin by the issuance and sale of such bonds, provided that no bond issue shall exceed the sum of twenty thousand dollars ($20,000.00) nor be for a longer period than twenty (20) years. And provided further, that all bonds of the city of Elgin now outstanding and unpaid shall be governed by the ordinances, charter and laws existing at the date of the issue thereof.

40. To provide for the opening, grading, mechadamizing, paving and otherwise improving the streets and alleys of the city and to assess the cost thereof to the property specially benefited thereby and to provide a general sewerage system for the city, the laying of the necessary mains and laterals therefor, and to assess the cost thereof to the property specially benefited thereby. And by ordinance to provide the procedure to assess the cost thereof to the property specially benefited thereby and the procedure for levying, collecting and enforcing such assessments for public improvements or other services to be charged against real property, and in cases where the general statutes of the State of Oregon provide for the levying of such assessments to direct that such assessments shall be levied and collected in accordance with the provisions of such statutes.

41. To construct, purchase, acquire, maintain, operate and own a water works, light plant or other public utility serving the city and the people thereof, and to provide for the employment, hire and discharge from them of all necessary agents, workmen, laborers and servants for the conduct and management thereof, and to make all needful rules and regulations for the conduct and management thereof by the city and the inhabitants thereof, to establish rates for the use and consumption of water, lights or power by the city and the inhabitants thereof, and to provide for the payment of such rates, monthly in advance, and to shut off the water or any other service from any house, tenant or place for which the rate is not paid or when any rule or regulation is disregarded or disobeyed.

42. To grant franchises upon a fair consideration for the use of the streets of the city by any public utility for a term not to exceed twenty (20) years, and to fix the terms and conditions under which such franchises may be used. No franchise so granted shall be sublet, assigned, leased, sold or transferred without the consent of the city of Elgin, and every franchise so granted must express a fair consideration to the city therefor, either by way of direct payment or by reduction of rates, fares or charges, or the annual payment to the city of a part of its gross receipts. Such compensation shall not exempt the holder of the franchise from any other lawful taxation or from any license, charge or imposition not levied on account of such use, provided that all franchises in existence at the time of the adoption of this charter shall remain subject to the provisions of the charter, ordinances and state laws in existence at the time of the granting of such franchises.

43. To exercise such power and authority as may be necessary and convenient to carry out any of the provisions of this charter, and such other powers as may be granted to the city under the laws of the State of Oregon.

Section 2. The powers and authority given to the city council by this charter wherein the same, when executed is municipal legislation, can only be exercised or enforced by ordinance unless otherwise expressly provided. But all powers and authorities given to the city council by

this charter not amounting to municipal legislation may be exercised either by ordinance or resolution or by motion recorded in the minutes at the discretion of the city council, except as otherwise herein provided.

Section 3. The city council shall fix the amount of the official undertaking of each and every officer of the city and of every other person who may be required by this charter, or by ordinance, to execute and file an official bond, and every officer may require his deputies, clerks or employees to give bonds of indemnity, and every officer shall be liable to the city on his official undertaking of bond for the acts and ommissions of his deputies, agents, clerks and employees appointed by him.

Section 4. All ordinances and regulations heretofore passed by the city and in force when this charter takes effect, and not inconsistent with it, shall remain in full force after it takes effect and until they are amended or repealed by the council, and no right or liability of the city existing at the time this charter takes effect shall be impaired or discharged by adoption of this charter, except as this charter otherwise provides. For the purpose of the assessment and collection of road taxes, the territory within the corporate limits of the city of Elgin is hereby constituted a road district of Union County, Oregon and the city manager is hereby made road supervisor of said district, and all taxes for road purposes within the corporate limits of said city, when collected, shall be paid to the city of Elgin as the laws of the State of Oregon may provide.

Section 5. All municipal legislation in the city of Elgin shall be subject to the initiative and referendum, and every elective officer of the city of Elgin and every officer appointed by the city council is subject to recall by the legal voters of the city of Elgin upon filing a petition with the city recorder and the provisions of the statute of the State of Oregon relative thereto are hereby extended to and adopted by this charter as the method of carrying into effect such powers.

Section 6. The city council shall annually prepare a budget

of revenues and proposed expenditures and file the same in accordance with the laws of the State of Oregon. Any liability incurred by the city council to be paid in any fiscal year or any warrant or other evidence of indebtedness, except all special assessment funds, and judgment against the city which singly or in the aggregate shall be in excess of the revenues for such year, shall be null and void unless there is money in the treasury applicable to the payment thereof.

Section 7. All instruments conveying real property belonging to the city of Elgin shall be signed by the mayor, attested by the city recorder and the seal of the city affixed thereto, and shall be acknowledged by said signatory officers as required by the general laws of the State of Oregnn.

Section 8. This charter shall go into effect from and after its adoption by a majority of the legal voters thereon cast at a special election to be held in the city of Elgin on the _____ day of _____, 1950, and thereafter the elective officers of said city shall be nominated and elected at the general election to be held at the city of Elgin on the _____ day of November, 1950 in accordance with the general laws of the State of Oregon, and such officers so elected shall take office on the second day of January, 1951.